

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUN 23 AM 10:44

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Armando GONZALEZ-Santano,

Defendant(s)

Magistrate Case No.

08 MJ 1923

COMPLAINT FOR VIOLATION OF DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **June 20, 2008**, within the Southern District of California, defendant **Jose Armando GONZALEZ-Santano**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Gilberto SANCHEZ-Hernandez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF JUNE,
2008.


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose Armando GONZALEZ-Santano****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Gilberto SANCHEZ-Hernandez**, is a citizen of a country other than the United States; that said alien have admitted that the he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 21, 2008 at approximately 9:00 p.m. Agent D. Juarez and Agent G. Custenborder, were performing uniformed line watch operations in the Chula Vista Border Patrol Station area of operations. Agent Juarez and Custenborder responded to a seismic intrusion device, to an area known as "The Triple Nickel." This area is located approximately 2 miles east of the Otay Mesa, California Port of Entry and approximately 3 miles North of the United States/Mexico International Border. After arriving in the vicinity Agent Custenborder spotted two individuals walking towards them in the canyon. Agent Custenborder advised Agent Duschek to wait for the individuals at the end of the draw while Agent Custenborder kept sight of the individuals. Upon hearing Agent Duschek, both individuals ran and attempted to conceal themselves in some thick brush. Agent Duschek approached the two individuals and identified himself as a Border Patrol Agent. Agent Duschek then questioned the two individuals as to their citizenship and nationality. Both individuals responded "Mexico", including one later identified as the defendant, **Jose Armando GONZALEZ-Santano**. Agent Duschek then questioned both individuals to see if they had any immigration documents that would allow them to be or remain in the United States legally. They responded "no." At approximately 9:15 p.m. both individuals, including the defendant were placed under arrest and transported to the Chula Vista Border Patrol Station for further processing.

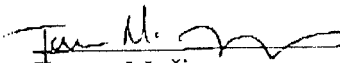
DEFENDANT STATEMENT:

Jose Armando GONZALEZ-Santano stated that he is a citizen and national of Mexico. The defendant stated that he does not have any immigration documents allowing him to be in or remain legally in the United States. The defendant stated that he has been deported before from the United States. The defendant stated that on the June 20, 2008 he guided another individual who he knew was an undocumented illegal alien and citizen of Mexico through the hills into the United States. The defendant stated that he had admitted to other agents to guiding in the past. The defendant stated that the individual paid him \$200 USD to bring him into the United States. The defendant stated that the individual was of no relation to him. The defendant stated that he did not work for any specific smuggling organization.

CONTINUATION RE:**Jose Armando GONZALEZ-Santana****A# 94 947 016****PR#0806-0701****MATERIAL WITNESS STATEMENT:**

Gilberto SANCHEZ-Hernandez stated that he is a citizen and national of Mexico. SANCHEZ stated that he does not have any immigration documents allowing him to be in or remain legally in the United States. SANCHEZ stated that his final destination in the United States was Chula Vista, California, where he has family. He said that he made the arrangements to be smuggled and that he was going to pay \$1,200.00 USD. SANCHEZ stated that he worked in Tijuana, Mexico and made arrangements with the guide to come to the United States. He also stated that he and the guide started walking through the hills during the night for a few hours. He stated that the guide knew that he was undocumented and illegal. SANCHEZ was presented with a photographic lineup. SANCHEZ identified photograph #2 as the person that was guiding him through the hills into the United States. Photograph #2 of photo lineup is defendant Jose Armando GONZALEZ-Santana.

Executed on June 22, 2008 , at 9:30am.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 20, 2008, in violation of Title 8, United States Code, Section 1324.


Louisa S. Porter

United States Magistrate Judge

6/22/08 12:30pm
Date/Time